

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Scott Sales, on February 20, 2015 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Scott Sales, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Robyn Driscoll (D)
Sen. Jedediah Hinkle (R)
Sen. Douglas (Doug) Kary (R)
Sen. Cliff Larsen (D)
Sen. Mary McNally (D)
Sen. Mary Sheehy Moe (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Kris Hansen (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 28, 2/11/2015; HB 111, 2/11/2015; SB 313, 2/16/2015; SB 318, 2/16/2015; SB 322, 2/16/2015

Executive Action: SB 262-Do Pass

HEARING ON SB 313

Opening Statement by Sponsor:

00:01:29 Sen. Mike Phillips (D), SD 31, opened the hearing on SB 313, Constitutional amendment to require adoption of revenue estimate.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:03:53 Sen. Sands
00:04:27 Sen. Phillips

Closing by Sponsor:

00:05:13 Sen. Phillips

HEARING ON HB 28

Opening Statement by Sponsor:

00:08:27 Rep. Jennifer Eck (D), HD 79, opened the hearing on HB 28, Require parole hearings to be video and audio recorded.

[EXHIBIT\(jus39a01\)](#)

[EXHIBIT\(jus39a02\)](#)

Proponents' Testimony:

00:14:20 Gary Mihelish, physician, member, Re-entry Task Force, Department of Corrections (COR)
00:17:42 Patti Jacques, self, Helena
00:18:39 Al Smith, self, Great Falls
00:20:32 Timothy Allred, executive director, Board of Pardons and Parole (BOPP), Department of Corrections (COR)
00:21:31 Steve Cape, Montana Coalition for Safety and Justice (MCSJ)
00:23:16 Bonnie Jorgensen, self, Great Falls
00:24:37 Hal Jorgensen, self, Great Falls

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:26:32 Sen. Moe
00:27:00 Mr. Allred, COR
00:28:16 Sen. Moe
00:28:31 Rep. Eck
00:29:26 Chairman Sales
00:29:35 Rep. Eck

Closing by Sponsor:

00:30:36 Rep. Eck

HEARING ON HB 111

Opening Statement by Sponsor:

00:31:32 Rep. Keith Regier (R), HD 4, opened the hearing on HB 111, Revise sentencing for felony DUI.

Proponents' Testimony:

00:34:49 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD), Montana Common Sense Coalition (MCSC)

[EXHIBIT\(jus39a03\)](#)

00:38:46 Jon Bennion, assistant attorney general, Department of Justice (DOJ)
00:39:21 Mark Murphy, Montana County Attorneys Association (MCAA)

Opponents' Testimony:

Informational Testimony:

00:43:01 Kevin Olson, administrator, Parole and Probation Division, Department of Corrections (COR)
00:43:19 Erin Inman, traffic safety consultant/DUI Law, former county attorney

Questions from Committee Members and Responses:

00:43:47 Sen. Sands
00:44:16 Mr. Murphy, MCAA

00:45:28 Sen. Fielder
00:46:04 Jon Bennion, DOJ
00:47:46 Sen. Fielder
00:48:43 Rep. Regier
00:49:39 Sen. Fielder
00:49:44 Ms. Inman, consultant
00:51:01 Sen. Sands
00:51:19 Mr. Murphy
00:54:14 Sen. Larsen
00:54:46 Rep. Regier
00:55:01 Mr. Olson, COR

Closing by Sponsor:

00:58:42 Rep. Regier

HEARING ON SB 318

Opening Statement by Sponsor:

00:59:33 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 318, Revise laws related to partner and family member assault.

Proponents' Testimony:

01:00:56 Jeff Sealey, self, Helena
01:04:05 Anna Saverud, prosecutor/domestic violence, City of Bozeman
01:07:35 Robin Turner, public policy director, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
01:08:44 John Quandt, self

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:12:47 Sen. Sands
01:13:02 Sen. Swandal

Closing by Sponsor:

01:14:04 Sen. Swandal

HEARING ON SB 322

Opening Statement by Sponsor:

01:14:38 Sen. Jennifer Fielder (R), SD 7, opened the hearing on SB 322, Provide for Fourth Amendment protections.

Proponents' Testimony:

None

Opponents' Testimony:

01:22:03 Mark Cadwallader, staff attorney, Department of Labor and Industry (DOL)
01:26:09 Francis Clinch, chief legal council, Department of Public Health and Human Services (DPHHS)
01:34:11 Mark Murphy, Montana County Attorneys Association (MCAA)

Informational Testimony:

None

Questions from Committee Members and Responses:

01:42:16 Sen. Sands
01:43:25 Sen. Fielder
01:45:18 Sen. Sands
01:45:43 Mr. Clinch, DPHHS
01:47:33 Sen. Hinkle
01:48:01 Mr. Clinch
01:49:51 Sen. Hinkle
01:50:03 Sen. Fielder
01:51:17 Sen. Kary
01:51:39 Sen. Fielder

Closing by Sponsor:

01:53:01 Sen. Fielder

01:55:24 Recess
02:06:30 Reconvene

EXECUTIVE ACTION ON SB 262

02:06:47 **Motion:** Sen. Vincent moved that **SB 262 DO PASS.**

Discussion:

02:07:11 Sen. Fielder
02:13:55 Sen. Larsen
02:17:27 Sen. Hinkle
02:25:16 Sen. Vincent
02:29:24 Sen. Fielder
02:32:24 Sen. Vincent

EXHIBIT(jus39a04)

02:40:11 Sen. Fielder
02:44:02 Sen. Vincent
02:47:34 Sen. Hinkle
02:48:11 Sen. Vincent
02:48:33 Chairman Sales

02:54:05 **Vote:** Motion carried 8-4 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle and Sen. Sales voting no. Sen. Hansen voted by proxy.

ADJOURNMENT

Adjournment: 10:54 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus39aad.pdf](#))